

The following comments apply to the restrictions to be placed on telemarketers. The following restrictions should be placed on telemarketers:

- 1) Unconditional ban of any calls to phone numbers for which the subscriber has paid a fee to the phone company to make the number unlisted.
- 2) Unconditional ban of any calls to a cellular or other phone system where the recipient pays for the call.
- 3) Implementation of a centrally managed do not call list. The implementation of the do not call list should be centrally managed, and not managed by each company individually as is suggested. This eliminates the possibility that a company can circumvent do not call lists by creating or using new companies which do not have such internal lists. Any company engaging in any type of telemarketing activity should be required to subscribe to this list.
- 4) Special consideration must be given to the practice of certain businesses of using overseas companies to perform their mass telemarketing in order to circumvent the do not call lists currently in use in some states. It should be the responsibility of the company for which the marketing is being done to ensure that all telemarketing operations whose calls terminate in the US abide by the do not call rules.

Regarding electronic measures for implementing do not call lists and the automated refusal of telemarketing calls:

- 1) Mandatory identification via caller ID devices and other electronic devices of all such telemarketing calls with the name of and administrative phone number for the company placing the call and a specific code to indicate it is an unsolicited call. ALL telemarketing calls should respond to CallerID, Call Return, Call Tracing, and all other such means to properly identify the caller.
- 2) Unconditional ban on any equipment designed to or engineered for the specific purpose of circumventing devices which are designed to prevent unsolicited automatic dialer originated calls (ie Telegapper).
- 3) Requirement that unsolicited calls whether automated or non-automated provide a digital or analog identifier such as can be detected by the telephone company's and/or the telephone subscriber's equipment (ie CallerID, Call Block, etc) to allow calls to be electronically blocked by category as well as by specific originating number.
- 4) Careful consideration must be taken to ensure that legitimate automated calling systems (ie school closing announcements, weather warnings, elderly/infirm computerized wellness check calls) can be received while others are electronically blocked. Stiff penalties should be imposed should any entity or person make an unsolicited call using the identifier of a legitimate call.

Sincerely,

Tony Drake